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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF ARIZONA
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12 FINOVA Capital Corporation,)
13 Plaintiff,) No. CIV 02-1277-PHX RCB
14 Vs.) O R D E R
15 Richard A. Arledge, Inc.,)
16 d/b/a Arledge Motor Co.,)
17 et al.,)
18 Defendants.)
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20 On September 26, 2005, Defendants Richard A. Arledge, Inc., et
21 al. ("the Arledges") filed a motion for expedited discovery. Mot.
22 (doc. 211). Due to the preliminary injunction hearing scheduled for
23 October 24, 2005, the Arledges assert that they should be allowed
24 to conduct limited discovery on issues relevant to the hearing.¹
25 The Arledges "seek to discover information regarding FINOVA's
26 assets, whether or not each asset is secured, whether or not the
27 security interest has been perfected, what assets have been sold

28 ¹ Regular discovery was closed in this case on March 31, 2004.
Scheduling Order (doc. 81).

1 since Defendants filed their Application, what assets are about to
2 be sold, etc." Id. at 2. The Arledges request that the Court order
3 FINOVA to respond to such discovery requests within ten (10) days
4 of service and direct FINOVA to produce a corporate representative
5 for deposition on five (5) days notice. Id. at 3-4.

6 In its response, FINOVA does not object to the Arledges
7 conducting limited discovery. Resp. (doc. 212) at 1. However, due
8 to the fact that Defendants did not include in their motion the
9 specific discovery requests they intend to pose, FINOVA asserts
10 that it is impossible for it to determine "(a) if the scope of the
11 requests are proper and (b) if the requested response deadline is
12 reasonable in light of such scope." Id. at 2. FINOVA notes that it
13 has approximately \$800 million of assets, "which necessarily will
14 require narrow discovery requests in order to generate the
15 information (and only the information) which the parties truly need
16 for the hearing." Id. Thus, due to the Arledges' lack of
17 specificity, FINOVA asks that the motion for expedited discovery be
18 denied. Id.

19 The Arledges filed their reply on September 28, 2005. Reply
20 (doc. 213). With this filing, Defendants filed copies of their
21 proposed discovery requests. Id. They assert that at the time of
22 filing their original motion, they had not yet "prepared the
23 proposed discovery requests; but wanted to get the ball rolling due
24 to the short amount of time before the October 24, 2005 hearing."
25 Id. at 2.

26 IT IS ORDERED that the Arledges' Motion for Expedited
27 Discovery (doc. 211) is GRANTED with the following limitations:

28 (1) FINOVA is directed to respond to Interrogatories 1, 3, 4,

1 5, 7, 8, 9, 10, and 11, and Requests for Production of Documents 1,
2 2, 5, 6, 7, and 8, within ten (10) days of service, or such
3 additional time the Court may grant upon application. FINOVA must
4 also respond to Requests for Production of Documents 3 and 4 within
5 ten (10) days of service if such responses would amount to less
6 than or equal to twenty (20) in number. Otherwise, the Court shall
7 allow FINOVA, if it so chooses, an opportunity to be heard on the
8 issue of the burdensomeness of such requests. In addition, FINOVA
9 must produce a corporate representative for deposition on ten (10)
10 days notice.

11 (2) FINOVA does not have to respond to Interrogatories 2 and
12 6, unless the Arledges, within ten (10) days of this order,
13 indicate that they are willing to have the hearing on the
14 application for a preliminary injunction reset to a future time
15 that will allow FINOVA time to respond to such interrogatories.

16 DATED this 4th day of October, 2005.

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20 Robert C. Broomfield
21 Senior United States District Judge

22 Copies to counsel of record.
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